

**FORTY-FOURTH DAY**

(Friday, April 5, 1935)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Harris of Archer
Adamson	Harris of Dallas
Adkins	Hartzog
Aikin	Head
Alexander	Herzik
Alsup	Hill
Ash	Hodges
Atchison	Hofheinz
Bergman	Holland
Bourne	Hoskins
Bradbury	Howard
Bradford	Huddleston
Broyles	Hunt
Burton	Jackson
Butler of Brazos	James
Butler of Karnes	Jefferson
Cagle	Jones of Atascosa
Caldwell	Jones of Falls
Calvert	Jones of Runnels
Canon	Jones of Shelby
Celaya	Jones of Wise
Clayton	Keefe
Collins	King
Colquitt	Knetsch
Colson	Lange
Cooper	Lanning
Cowley	Latham
Craddock	Leath
Crossley	Lemens
Daniel	Leonard
Davis	Lindsey
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McKee
Duvall	McKinney
Dwyer	Moffett
England	Moore
Fain	Morris
Farmer	Morrison
Fisher	Morse
Fitzwater	Newton
Ford	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Good	Petsch
Graves	Pope
Gray	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Riddle

Roach of Angelina	Stovall
Roane	Tarwater
Roark	Tennyson
Roberts	Thornton
Rogers	Tillery
Russell	Venable
Rutta	Waggoner
Scarborough	Walker
Settle	Wells
Shofner	Westfall
Smith	Wood of Harrison
Spears	Wood of Montague
Stanfield	Worley
Steward	Young
Stinson	Youngblood

**Absent—Excused**

Beck	Luker
Dickison	McFarland
Hunter	Roach of Hunt
Hyder	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Lord, we are grateful for Thy blessings to us as individuals, and for the wonderful resources of our State. Help us to administer Thy bounties wisely, as stewards of thine abundance, and guide our activities today. For Christ's sake. Amen."

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence on account of important business:

Mr. Hunter for today, on motion of Mr. Cooper.

Mr. Beck for today, on motion of Mr. Morrison.

Mr. McFarland for today, on motion of Mr. Walker.

Mr. Luker for today, on motion of Mr. Fisher.

Mr. Alsup for today, on motion of Mr. Hunt.

Mr. Hyder for this morning, on motion of Mr. Worley.

**HOUSE BILLS ON FIRST READING**

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Broyles:

H. B. No. 938, A bill to be entitled "An Act authorizing county attorneys in counties of not less than 30,000 nor more than 50,000 inhabitants, to ap-

point a stenographer, upon application to the commissioners court for authority; providing maximum compensation to be paid such stenographer; providing such compensation shall be paid out of fees of office of such county attorneys, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Daniel:

H. B. No. 939, A bill to be entitled "An Act to amend Article 7111, Revised Civil Statutes of 1925."

Referred to Committee on Revenue and Taxation.

#### RELATIVE TO HOUSE BILL NO. 933

Mr. Steward moved that House Bill No. 933 be referred to the Committee on Oil, Gas, and Mining.

Mr. Worley moved to table the motion by Mr. Steward.

The motion to table was lost.

Mr. Fox moved, as a substitute motion, that House Bill No. 933 be re-committed to the Committee on Conservation and Reclamation.

Mr. Alsup moved to table the motion by Mr. Fox.

The motion to table prevailed.

Question then recurring on the motion by Mr. Steward, it prevailed.

#### GRANTING T. G. ALLEN PERMISSION TO SUE THE STATE HIGHWAY COMMISSION

Mr. Wells offered the following resolution:

H. C. R. No. 70, Granting T. G. Allen of Navarro County permission to maintain a suit against the State Highway Commission of Texas.

Whereas, Mr. T. G. Allen of Navarro County, Texas, claims damages against the State Highway Department of Texas for damages to his pasture, trees located therein, hay meadows, posts used in the fence around the pasture, and other properties, because of a fire alleged to have been started by an employe of the State Highway Commission, said damages alleged to have occurred on August 7, 1934, and said property lying adjacent to State Highway No. 22 on the north and south sides of said highway, and because the said damages alleged are alleged to have

occurred on account of the fire started by an employe of the State Highway Department, said T. G. Allen desires to file suit thereon; and

Whereas, The said Highway Commission and its engineers contend that said suit can not be filed for said damages against said Highway Commission without the permission of the Legislature of the State of Texas; and

Whereas, Although the Legislature of the State of Texas does not admit that the said plaintiff has a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State who has a valid or just claim against the State Highway Commission or the State of Texas, shall be deprived of his opportunity to establish or enforce such claim by reason of any constitutional inhibition; now, therefore, be it

Resolved by the House of Representatives, and the Senate concurring, That said T. G. Allen is hereby given and granted consent and permission to file said suit, and for the prosecution thereof against the State Highway Commission of the State of Texas, as such Commission, in any court in Navarro County, Texas, having jurisdiction thereof, said suit being based upon damages to his pasture, trees located therein, hay meadows, posts used in the fence around the pasture, and other properties, and said T. G. Allen is granted the right to maintain said suit to final judgment in Navarro County of the State of Texas.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

#### CONCERNING TRAFFIC THROUGH CAPITOL GROUNDS

Mr. Alsup offered the following resolution:

Whereas, The motorists that pass through the Capitol Grounds almost universally disregard the "slow" signs at the entrance to the grounds; and

Whereas, The lives of the employes of the State Departments and the Legislature are constantly endangered because of many visits to the drug store while said motorists are running rampant through the grounds; now, therefore, be it

Resolved, That the Board of Control be requested, and they are hereby requested, to negotiate with the city officials of Austin and ask said officials to place some stop lights at the north and south entrances to the Capitol Grounds.

The resolution was read second time, and was adopted.

#### PROVIDING FOR OBSERVANCE OF TEXAS CONSERVATION AND BEAUTIFICATION WEEK

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 28, Providing for observance of Texas Conservation and Beautification Week;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was lost.

Mr. Pope moved to reconsider the vote by which the resolution was lost.

The motion to reconsider prevailed.

Question then recurring on the resolution, it was adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 818, A bill to be entitled "An Act declaring it unlawful for any person to kill wild fox or to take or have in his possession for barter or sale the pelts of wild fox after the passage of this Act, for a period of five years in the County of Kaufman, State of Texas; providing a penalty for violation of this Act, and declaring an emergency."

H. B. No. 251, A bill to be entitled "An Act to amend Section 28, as heretofore amended by Chapter 5, page 6, of the Special Laws of the Regular Session of the Forty-third Legislature, of Chapter 5, page 14, of the

Special Laws of the Regular Session of the Forty-second Legislature, of Chapter 36, page 359, of the Acts of the Thirty-first Legislature, approved March 15, 1909, entitled 'An Act to validate the Wichita Falls Independent School District, in Wichita County, Texas, (and for other purposes), and declaring an emergency.'

H. B. No. 402, A bill to be entitled "An Act declaring it unlawful for any person to kill, take or have in his possession for barter or sale after the passage of this Act, for a period of five years, any wild fox or the pelts thereof in the County of Houston, State of Texas, and providing a penalty therefor." (With amendment.)

H. B. No. 329, A bill to be entitled "An Act to amend Article 4518, Chapter 7, Title 71, Revised Civil Statutes of Texas of 1925, etc., and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act making an appropriation for emergency malaria control measures by the State Board of Health in Cameron, Hidalgo, and Willacy Counties, for a period of seven months, and declaring an emergency." (With amendments.)

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 51, by Mr. Morse, Granting H. B. McElmurray and Mrs. H. B. McElmurray permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Quinn raised a point of order on further consideration of the resolution by Mr. Morse, on the ground that permission to sue the State can not be granted by resolution.

The Speaker overruled the point of order.

Question recurring on the resolution, it was adopted.

RELATIVE TO APPOINTMENT OF  
COMMITTEE IN REGARD TO  
CERTAIN BOUNDARY  
LINE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 55, by Mr. Rogers, Relative to appointment of committee to determine Texas-Oklahoma boundary line;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Rogers offered the following committee amendment to the resolution:

Amend House Concurrent Resolution No. 55, page 2, by striking out all of paragraph one and insert in lieu thereof the following:

"Be it further resolved, That the necessary expenses, which shall not exceed five hundred dollars (\$500), incident to the execution of the compact in establishing the true boundary, be paid out of the Contingent Fund on vouchers signed by the members of the committees from the respective houses; and."

The amendment was adopted.

Question recurring on the resolution, it was adopted.

MEMORIALIZING CONGRESS IN  
REGARD TO COTTON MANU-  
FACTURING INDUSTRY

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 65, by Mr. Reed of Dallas, Memorializing Congress in regard to cotton manufacturing industry;

The resolution having heretofore been read second time, and referred to the Committee on Agriculture;

The Committee on Agriculture having recommended the adoption of the resolution.

Mr. Petsch moved the previous question on the amendments on the Speaker's desk and the resolution, and the main question was ordered.

Mr. Padgett offered the following committee amendments to the resolution:

Amend House Concurrent Resolution No. 65 by changing the word "Japan," as contained in the fourth

paragraph, line 9, to read as follows: "certain foreign lands."

Amend House Concurrent Resolution No. 65 by striking out the words "Japanese and" in paragraph seven, line 13.

The amendments were severally adopted.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 390 ON SECOND  
READING

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 390, A bill to be entitled "An Act providing that the Board of Pardons and Paroles, created by Chapter 45, Acts of First Called Session, Forty-first Legislature, shall hereafter sit and have their offices at Huntsville, Walker County, Texas, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 390 ON THIRD  
READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 390 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adamson	Dunlap of Hays
Adkins	Dunlap of Kleberg
Aikin	England
Alexander	Fain
Atchison	Farmer
Bergman	Fisher
Bradbury	Fitzwater
Broyles	Ford
Burton	Fox
Butler of Karnes	Frazer
Cagle	Fuchs
Calvert	Gibson
Canon	Glass
Celaya	Graves
Collins	Greathouse
Colquitt	Hankamer
Colson	Hanna
Cooper	Harris of Archer
Craddock	Harris of Dallas
Crossley	Head
Daniel	Herzik
Davis	Hodges
Davisson	Hofheinz
of Eastland	Hoskins

Howard	Payne
Hunt	Pope
Jackson	Reader
James	Reed of Dallas
Jones of Atascosa	Riddle
Jones of Falls	Roach of Angelina
Jones of Runnels	Roane
Jones of Shelby	Roark
Jones of Wise	Russell
King	Rutta
Knetsch	Scarborough
Lange	Settle
Lanning	Shofner
Latham	Smith
Leonard	Spears
Lindsey	Stanfield
Lotief	Steward
Lucas	Stinson
McCalla	Tennyson
McKee	Thornton
McKinney	Tillery
Moffett	Venable
Moore	Wells
Morrison	Westfall
Newton	Wood of Harrison
Nicholson	Worley
Olsen	Young
Padgett	Youngblood
Palmer	

## Nays—10

Bourne	Mauritz
Caldwell	Patterson
Hardin	Reed of Bowie
Huddleston	Stovall
Lemens	Wood of Montague

## Absent

Bradford	Jefferson
Butler of Brazos	Keefe
Clayton	Leath
Cowley	McConnell
Davison of Fisher	Morris
Dunagan	Morse
Duvall	Petsch
Dwyer	Quinn
Good	Roberts
Gray	Rogers
Hartzog	Tarwater
Hill	Waggoner
Holland	Walker

## Absent—Excused

Alsup	Hyder
Ash	Luker
Beck	McFarland
Dickison	Roach of Hunt
Hunter	

The Speaker then laid House Bill No. 390 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—111

Adamson	Jones of Falls
Adkins	Jones of Runnels
Aikin	Jones of Shelby
Alexander	Jones of Wise
Atchison	King
Bergman	Knetsch
Bradbury	Lange
Broyles	Lanning
Burton	Latham
Butler of Brazos	Leonard
Butler of Karnes	Lindsey
Caldwell	Lotief
Calvert	Lucas
Canon	McCalla
Celaya	McKee
Collins	McKinney
Colquitt	Moffett
Colson	Moore
Cooper	Morris
Craddock	Morrison
Crossley	Newton
Daniel	Nicholson
Davis	Olsen
Davison of Fisher	Padgett
Davisson	Palmer
of Eastland	Payne
Dunlap of Hays	Pope
Dunlap of Kleberg	Reader
Dwyer	Reed of Dallas
England	Riddle
Fain	Roach of Angelina
Farmer	Roane
Fisher	Roark
Fitzwater	Russell
Ford	Rutta
Frazer	Scarborough
Fuchs	Settle
Gibson	Shofner
Glass	Smith
Graves	Spears
Greathouse	Stanfield
Hankamer	Steward
Hanna	Stinson
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Thornton
Herzik	Tillery
Hodges	Venable
Hofheinz	Walker
Hoskins	Wells
Howard	Westfall
Hunt	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jefferson	Young
Jones of Atascosa	Youngblood

## Nays—11

Bourne	Lemens
Cagle	Mauritz
Fox	Patterson
Hardin	Reed of Bowie
Harris of Archer	Stovall
Huddleston	

## Absent

Bradford	Keefe
Clayton	Leath
Cowley	McConnell
Dunagan	Morse
Duvall	Petsch
Good	Quinn
Gray	Roberts
Hill	Rogers
Holland	Waggoner

## Absent—Excused

Alsup	Hyder
Ash	Luker
Beck	McFarland
Dickison	Roach of Hunt
Hunter	

Mr. McKinney moved to reconsider the vote by which House Bill No. 390 was passed, and to table the motion to reconsider.

The motion to table prevailed.

## SPECIAL ORDER SET

On motion of Mr. Graves, House Bill No. 365 was set as a special order for 11 o'clock a. m., next Tuesday, April 9.

## HOUSE JOINT RESOLUTION NO. 39 ON SECOND READING

The Speaker laid before the House, on its second reading,

H. J. R. No. 39, Proposing an amendment to Section 15 of Article I of the Constitution of Texas, and providing that the Legislature may authorize the commitment of insane persons, idiots, lunatics and/or epileptics without the necessity of a trial by jury.

The resolution was read second time.

Mrs. Moore offered the following amendment to the resolution:

Amend House Joint Resolution No. 39 by striking out all below the resolving clause and inserting in lieu thereof the following:

"Section 1. That Section 15 of Article I of the Constitution of the State of Texas be so amended as to hereafter read as follows:

"Section 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commit-

ment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety days, by order of the county court without the necessity of a trial by jury.'

"Sec. 2. The foregoing constitutional amendment shall be submitted to the qualified electors of the State, qualified to vote on the constitutional amendments, at an election to be held throughout the State on the fourth Saturday of August, A. D. 1935, at which election each ballot shall have printed thereon the words:

"For the amendment of Article I, Section 15, of the State Constitution by adding to said section a provision to the effect that the Legislature may provide for the temporary commitment of mentally ill persons not charged with a criminal offense by the county court without the necessity of a jury trial.'

"Against the amendment of Article I, Section 15, of the Constitution by adding to said section a provision to the effect that the Legislature may provide for the temporary commitment of mentally ill persons not charged with a criminal offense by the county court without the necessity of a jury trial.'

"Each voter shall scratch out with pen or pencil the clause which he desires to vote against so as to indicate whether he is voting for or against the proposed amendment.

"Sec. 3. The Governor of this State is hereby directed to issue the necessary proclamation for said election, and have the same published as required by the Constitution and laws of the State of Texas.

"Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay expenses of said publication and election."

The amendment was adopted.

Mrs. Moore offered the following amendment to the resolution:

Amend House Joint Resolution No. 39 by striking out all above the resolution clause and inserting in lieu thereof the following:

"A joint resolution proposing an amendment to Section 15, of Article I, of the Constitution of Texas, and

providing that the Legislature may authorize the temporary commitment of mentally ill persons, not charged with a criminal offense, for treatment and/or observation without the necessity of a trial by jury."

The amendment was adopted.

House Joint Resolution No. 39 was then passed by the following vote:

Yeas—111

Adamson	Jefferson
Adkins	Jones of Atascosa
Aikin	Jones of Falls
Alexander	Jones of Runnels
Ash	Jones of Shelby
Atchison	Jones of Wise
Bergman	Keefe
Bourne	King
Bradbury	Knetsch
Broyles	Lanning
Burton	Latham
Butler of Brazos	Lemens
Butler of Karnes	Leonard
Cagle	Lindsey
Caldwell	Lucas
Canon	Mauritz
Celaya	McCalla
Collins	McKee
Colquitt	McKinney
Colson	Moffett
Davis	Moore
Davison of Fisher	Morris
Davissou	Morrison
of Eastland	Newton
Dunagan	Nicholson
Dunlap of Hays	Olsen
Fain	Padgett
Fisher	Palmer
Fitzwater	Patterson
Fox	Payne
Frazer	Pope
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Roach of Angelina
Gray	Roark
Greathouse	Russell
Hankamer	Rutta
Hardin	Scarborough
Harris of Archer	Settle
Harris of Dallas	Shofner
Hartzog	Smith
Head	Spears
Herzik	Stanfield
Hill	Stinson
Hodges	Tarwater
Hofheinz	Tennyson
Holland	Thornton
Hoskins	Tillery
Howard	Venable
Hunt	Walker
Jackson	Wells
James	Wood of Harrison

Wood of Montague Young  
Worley Youngblood

Nays—4

Craddock Stovall  
Farmer Westfall

Absent

Bradford	Huddleston
Calvert	Lange
Clayton	Leath
Cooper	Lotief
Cowley	McConnell
Crossley	Morse
Daniel	Petsch
Dunlap of Kleberg	Riddle
Duvall	Roane
Dwyer	Roberts
England	Rogers
Ford	Steward
Hanna	Waggoner

Absent—Excused

Alsup	Hyder
Beck	Luker
Dickison	McFarland
Hunter	Roach of Hunt

SENATE JOINT RESOLUTION NO.  
24 ON SECOND READING

The Speaker laid before the House, on its second reading,

S. J. R. No. 24, Proposing to amend the Constitution of the State of Texas so as to permit the furnishing of State official textbooks free to every child of scholastic age, attending any school within the State.

The resolution was read second time.

Mr. Rutta offered the following committee amendments to the resolution:

Fill in date of election "fourth Saturday in August, 1935," in blanks provided therefor in body of resolution.

Amend Senate Joint Resolution No. 24 by striking out words "sectarian schools" on page 2, line 3, of original resolution and inserting in lieu thereof the following: "Every child of scholastic age attending any school within this State."

Amend Senate Joint Resolution No. 24 by striking out the word "sectarian" in line 6 and the word "schools" in line 7, page 2, of original resolution and inserting in lieu thereof the following: "Every child of scholastic age attending any school within this State."

The amendments were severally adopted.

Mr. Leonard offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 24 by inserting therein a new section to be designated "Section 1" and re-numbering the sections accordingly, said new Section 1 to read as follows:

"Section 1. That Section 3 of Article VII of the Constitution be amended so that hereafter it shall read as follows:

"Section 3. One-fourth of the revenue derived from the State occupation taxes and poll tax of one dollar on every inhabitant of the State, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred dollars (\$100) valuation, as with the Available School Fund arising from all other sources will be sufficient to maintain and support the public schools of the State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside, under such regulations and in such manner as may be provided by law, a sufficient amount out of the said tax to provide free textbooks for the use of children within the scholastic age attending any school in this State; provided, however, that should the limit of taxation herein named be insufficient, the deficit may be met by appropriation from the General Funds of the State, and the Legislature may also provide for the formation of school districts by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties, and the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the

erection and equipment of school buildings therein; provided, that a majority of the qualified property tax-paying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one dollar (\$1) on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law'."

The amendment was adopted.

Mr. Alexander offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 24 by striking out in lines 5 and 6, page 2, the words "according to their scholastic population" and insert in lieu thereof the following: "as may be provided by law."

The amendment was adopted.

Mr. Lucas offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 24 by inserting the following words between the words "books" and "free" in line 3, page 2: "notebooks, ink, and similar necessities."

On motion of Mr. Quinn, the amendment was tabled.

By unanimous consent of the House, the resolving clause of the resolution was ordered amended to conform to all changes and to the body of the resolution.

(Pending consideration of the resolution, Mr. Reed of Dallas occupied the Chair, temporarily.)

(Speaker in the Chair.)

Senate Joint Resolution No. 24 was then passed by the following vote:

Yeas—127

Adamson	Caldwell
Aikin	Calvert
Alexander	Canon
Ash	Celaya
Atchison	Clayton
Bergman	Collins
Bourne	Colquitt
Bradbury	Colson
Bradford	Cooper
Burton	Cowley
Butler of Karnes	Davis



Davison of Fisher	Lindsey
Davisson	Lotief
of Eastland	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McKee
Duvall	McKinney
Dwyer	Moffett
England	Moore
Fain	Morris
Fisher	Morrison
Ford	Morse
Fox	Newton
Frazer	Nicholson
Fuchs	Olsen
Gibson	Padgett
Glass	Patterson
Good	Payne
Graves	Petsch
Gray	Pope
Greathouse	Quinn
Hankamer	Reader
Hanna	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Riddle
Harris of Dallas	Roach of Angelina
Hartzog	Roane
Head	Roark
Herzik	Roberts
Hill	Rogers
Hodges	Russell
Hofheinz	Rutta
Holland	Scarborough
Hoskins	Settle
Howard	Shofner
Hunt	Smith
Jackson	Spears
James	Stanfield
Jefferson	Steward
Jones of Atascosa	Stinson
Jones of Falls	Stovall
Jones of Runnels	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Thornton
Keefe	Tillery
King	Venable
Knetsch	Walker
Lange	Wells
Lanning	Wood of Harrison
Latham	Wood of Montague
Leath	Worley
Lemens	Young
Leonard	Youngblood

## Nays—8

Broyles	Farmer
Cagle	Huddleston
Crossley	Lucas
Daniel	Westfall

## Present—Not Voting

Craddock

## Absent

Adkins	Palmer
Butler of Brazos	Waggoner
Fitzwater	

## Absent—Excused

Alsup	Hyder
Beck	Luker
Dickison	McFarland
Hunter	Roach of Hunt

Mr. Rutta moved to reconsider the vote by which Senate Joint Resolution No. 24 was passed, and to table the motion to reconsider.

The motion to table prevailed.

## BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 294, "An Act (to be known as Article 2777-c, of the Revised Civil Statutes of 1925) providing for the election of school trustees in independent school districts created by special Act having within their boundaries a city with a population of not less than 160,000 nor more than 220,000, according to the last preceding Federal Census; fixing the terms of office of such school trustees at six years; extending the present terms of office of certain of such school trustees; providing for the filling of vacancies, and the manner of holding elections; repealing all laws and parts of laws (general or special) in conflict with this Act, and declaring an emergency."

S. B. No. 260, "An Act providing that the District Attorney of the Seventh Judicial District shall receive the same per diem for not to exceed sixty days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature, as he receives now under the provisions of said Acts; providing for additional allowance for expenses of said district attorney; making an appropriation, and declaring an emergency."

S. B. No. 97, "An Act amending Chapter 18, Acts of the Third Called Session of the Forty-second Legislature, by adding thereto Section 4-a so as to authorize building and loan associations to make loans under the terms and provisions of Title II of the National Housing Act and to except such loans from the limitations prescribed by said chapter, and declaring an emergency."

S. B. No. 324, "An Act prohibiting any person from catching, retaining, or having in his possession any channel catfish or blue catfish which are less than eleven inches in length or to catch or retain or have in his possession in any one day a total aggregate of more than twenty of such fish taken from any of the waters described in Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and providing a maximum number of hooks that may be used on any trot-line and the minimum distance of said hooks from each other on said line; and providing the minimum distance from each other that any trot-lines may be set and the number of trot-lines that any party composed of any two or more persons may set or use at the same time in the waters described in said Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and defining what is meant by the word 'party' as used in this Act, and declaring an emergency."

S. B. No. 459, "An Act to amend Subdivision 64 of Article 199 of Title 8 of the Revised Civil Statutes of the State of Texas, 1925, to change and prescribe the terms and time of holding District Courts of the Sixty-fourth Judicial District of the State, composed of Hale, Lamb, Swisher, Castro, and Bailey Counties, etc., and declaring an emergency."

S. B. No. 135, "An Act amending Chapter 18, Acts of the Forty-third Legislature, Second Called Session, page 54 (Article 3886-b), providing for the maximum compensation of assistant county attorneys and other employees of the county attorney in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants and containing two cities of fifty thousand (50,000) population or more each, according to the last Federal Census of 1930; providing for the compensation of assistant county attorneys and other employees of the county attorneys in such counties; repealing herewith; providing that this Act shall become effective from and after its passage, and declaring an emergency."

S. B. No. 396, "An Act amending Chapter 204 of the Acts of the Regular Session, Forty-first Legislature, by adding to said Act another section

to be known as Section 6-a, making it unlawful for any person, association, or corporation to charge or receive compensation for the placement of a child under fifteen (15) years of age; defining certain exemptions; and providing for the enjoining of such person, association, or corporation in a suit brought by the Attorney General, district or county attorney of any county in which said act or acts may occur, and declaring an emergency."

S. B. No. 450, "An Act to amend Subdivision 70, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas."

#### HOUSE BILL NO. 424 WITH SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 424, A bill to be entitled "An Act to amend Chapter 98 of the General Laws of the State of Texas as passed by the Regular Session of the Forty-first Legislature, by adding thereto Section 1-a, so as to provide for the purchase of a part of the law books for the Courts of Civil Appeals out of the court fees collected by said courts, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Leonard moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee:

Messrs. Leonard, Huddleston, Burton, Morris, and Newton.

#### RECESS

Mr. Pope moved that the House recess to 2 o'clock p. m., today.

Mr. Wood of Harrison moved that the House adjourn until 9 o'clock a. m., next Monday.

Mr. Jefferson moved that the House adjourn until 10 o'clock a. m., next Monday.

Question recurring on the motion by Mr. Pope, it prevailed, and the

House, accordingly, at 12:10 o'clock p. m., took recess to 2 o'clock p. m., today.

### AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

### HOUSE BILL NO. 65 ON SECOND READING

On motion of Mr. Tennyson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 65, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of Texas of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas, and to limit the earnings of persons, companies, or corporations coming within the provisions of said article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum, etc."

The Speaker laid the bill before the House, and it was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 65 was then passed to engrossment.

### HOUSE BILL NO. 65 ON THIRD READING

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 65 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adamson	Broyles
Aikin	Burton
Alexander	Cagle
Ash	Calvert
Bergman	Collins
Bourne	Colquitt
Bradbury	Colson
Bradford	Cowley

Craddock	Lotief
Crossley	Lucas
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Dunlap of Hays	McKee
England	McKinney
Fain	Moffett
Farmer	Moore
Fisher	Morris
Fitzwater	Morrison
Fox	Newton
Fuchs	Nicholson
Glass	Olsen
Good	Padgett
Graves	Palmer
Greathouse	Patterson
Hankamer	Payne
Hanna	Petsch
Hardin	Pope
Harris of Archer	Reader
Harris of Dallas	Reed of Bowie
Head	Reed of Dallas
Hill	Roach of Angelina
Hodges	Roane
Hofheinz	Roark
Holland	Roberts
Howard	Russell
Huddleston	Rutta
Hunt	Scarborough
Hyder	Shofner
Jackson	Spears
James	Steward
Jones of Falls	Stovall
Jones of Runnels	Tennyson
Jones of Shelby	Thornton
Jones of Wise	Tillery
Keefe	Venable
King	Walker
Knetsch	Westfall
Lanning	Wood of Harrison
Leath	Wood of Montague
Lemens	Worley
Leonard	Youngblood
Lindsey	

### Absent

Adkins	Hartzog
Atchison	Herzik
Butler of Brazos	Hoskins
Butler of Karnes	Jefferson
Caldwell	Jones of Atascosa
Canon	Lange
Celaya	Latham
Clayton	Morse
Cooper	Quinn
Davisson	Rogers
of Eastland	Settle
Dunagan	Smith
Dunlap of Kleberg	Stanfield
Duvall	Stinson
Dwyer	Tarwater
Ford	Waggoner
Frazer	Wells
Gibson	Young
Gray	

## Absent—Excused

Alsup	Luker
Beck	McFarland
Dickison	Riddle
Hunter	Roach of Hunt

The Speaker then laid House Bill No. 65 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—105

Adamson	Keefe
Aikin	King
Alexander	Knetsch
Ash	Lanning
Bergman	Leath
Bourne	Lemens
Bradbury	Leonard
Bradford	Lindsey
Broyles	Lotief
Burton	Lucas
Cagle	Mauritz
Calvert	McCalla
Colquitt	McConnell
Colson	McKee
Cowley	McKinney
Craddock	Moffett
Crossley	Moore
Daniel	Morris
Davis	Morrison
Davison of Fisher	Newton
Dunlap of Hays	Nicholson
England	Olsen
Fain	Padgett
Farmer	Palmer
Fisher	Patterson
Fitzwater	Payne
Fox	Petsch
Frazer	Pope
Fuchs	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Roane
Greathouse	Roark
Hankamer	Roberts
Hanna	Russell
Hardin	Rutta
Harris of Archer	Scarborough
Harris of Dallas	Shofner
Head	Spears
Hill	Steward
Hodges	Stinson
Hofheinz	Stovall
Holland	Tennyson
Howard	Thornton
Huddleston	Tillery
Hunt	Venable
Hunter	Walker
Hyder	Westfall
James	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Runnels	Worley
Jones of Shelby	Youngblood
Jones of Wise	

## Absent

Adkins	Hartzog
Atchison	Herzik
Butler of Brazos	Hoskins
Butler of Karnes	Jackson
Caldwell	Jefferson
Canon	Jones of Atascosa
Celaya	Lange
Clayton	Latham
Collins	Morse
Cooper	Quinn
Davisson	Roach of Angelina
of Eastland	Rogers
Dunagan	Settle
Dunlap of Kleberg	Smith
Duvall	Stanfield
Dwyer	Tarwater
Ford	Waggoner
Gibson	Wells
Gray	Young

## Absent—Excused

Alsup	McFarland
Beck	Riddle
Dickison	Roach of Hunt
Luker	

## HOUSE BILL NO. 888 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 888, A bill to be entitled "An Act providing for the relief of Eagle Pass Independent School District of Maverick County, Texas, in order to aid the school district in accommodating the large growth of population due to the development of Quemado Valley Irrigation Settlement which covers a portion of the Eagle Pass Independent School District of 1934; making appropriation out of the State Treasury of seven thousand dollars (\$7,000) to said district for said purposes, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 888 ON THIRD READING

Mr. Payne moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 888 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—108

Adamson	Jones of Wise
Aikin	Keefe
Alexander	King
Ash	Knetsch
Bergman	Lanning
Bourne	Leath
Bradbury	Lemens
Bradford	Leonard
Broyles	Lindsey
Burton	Lucas
Cagle	Mauritz
Calvert	McCalla
Collins	McConnell
Colquitt	McKee
Colson	McKinney
Cowley	Moffett
Craddock	Moore
Crossley	Morris
Daniel	Morrison
Davis	Newton
Davison of Fisher	Nicholson
Dunagan	Olsen
Dunlap of Hays	Padgett
England	Palmer
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Fitzwater	Pope
Frazer	Reader
Fuchs	Reed of Bowie
Glass	Reed of Dallas
Graves	Roach of Angelina
Greathouse	Roane
Hankamer	Roark
Hanna	Roberts
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Head	Shofner
Herzik	Spears
Hill	Stanfield
Hodges	Steward
Hofheinz	Stinson
Holland	Stovall
Hoskins	Tennyson
Howard	Thornton
Huddleston	Tillery
Hunt	Venable
Hunter	Walker
Hyder	Westfall
James	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Runnels	Worley
Jones of Shelby	Youngblood

## Absent

Adkins	Davison
Atchison	of Eastland
Butler of Brazos	Dunlap of Kleberg
Butler of Karnes	Duvall
Caldwell	Dwyer
Canon	Ford
Celaya	Fox
Clayton	Gibson
Cooper	Good

Gray	Quinn
Hartzog	Rogers
Jackson	Settle
Jefferson	Smith
Jones of Atascosa	Tarwater
Lange	Waggoner
Latham	Wells
Lotief	Young
Morse	

## Absent—Excused

Alsop	McFarland
Beck	Riddle
Dickison	Roach of Hunt
Luker	

The Speaker then laid House Bill No. 888 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—99

Adamson	Hunt
Ash	Hunter
Bergman	Hyder
Bourne	James
Bradbury	Jones of Runnels
Bradford	Jones of Shelby
Broyles	Jones of Wise
Burton	Keefe
Cagle	King
Calvert	Knetsch
Collins	Lanning
Colquitt	Leath
Colson	Lemens
Cowley	Leonard
Craddock	Lotief
Crossley	Lucas
Daniel	Mauritz
Davis	McConnell
Davison	McKee
of Eastland	McKinney
Dunagan	Moffett
Dunlap of Hays	Moore
England	Morris
Fain	Morrison
Farmer	Newton
Fisher	Nicholson
Fitzwater	Olsen
Frazer	Padgett
Fuchs	Palmer
Graves	Patterson
Greathouse	Payne
Hankamer	Petsch
Hanna	Pope
Hardin	Reader
Harris of Dallas	Reed of Bowie
Head	Reed of Dallas
Hill	Roach of Angelina
Hodges	Roane
Hofheinz	Roark
Holland	Roberts
Hoskins	Russell
Howard	Rutta
Huddleston	Scarborough

Shofner	Tillery
Spears	Venable
Stanfield	Westfall
Steward	Wood of Harrison
Stinson	Wood of Montague
Stovall	Worley
Thornton	Youngblood

## Nays—8

Aikin	Jones of Falls
Alexander	Lindsey
Good	McCalla
Harris of Archer	Walker

## Absent

Adkins	Hartzog
Atchison	Herzik
Butler of Brazos	Jackson
Butler of Karnes	Jefferson
Caldwell	Jones of Atascosa
Canon	Lange
Celaya	Latham
Clayton	Morse
Cooper	Quinn
Davison of Fisher	Rogers
Dunlap of Kleberg	Settle
Duvall	Smith
Dwyer	Tarwater
Ford	Tennyson
Fox	Waggoner
Gibson	Wells
Glass	Young
Gray	

## Absent—Excused

Alsup	McFarland
Beck	Riddle
Dickison	Roach of Hunt
Luker	

RELATIVE TO INSTRUCTING  
CONFEREES ON HOUSE  
BILL NO. 11

The Speaker announced, due to an error on yesterday in recording the votes of Mr. McConnell and Mr. Hardin, who voted "yea" and not "nay" on the motion by Mr. Fox, to table the motion to reconsider the vote by which the motion of Mr. Lotief, instructing the conferees on House Bill No. 11 to retain the 15 per cent (15%) provisions as regards gross receipts, was adopted, that the motion to table prevailed and was not lost as announced on yesterday, and that all subsequent proceedings in connection therewith were therefore canceled.

Mr. Roach of Angelina then moved that Section 7 of Rule XIII of the House Rule be suspended for the purpose of making the motion to reconsider the vote by which the motion by

Mr. Lotief, instructing the conferees on House Bill No. 11, was adopted.

The roll of the House was called on the motion to suspend the Rule, and the vote announced as follows: Yeas, 82; nays, 41.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

## Yeas—75

Adamson	Knetsch
Alexander	Leonard
Ash	Lindsey
Atchison	McConnell
Bradford	McKee
Broyles	McKinney
Burton	Moffett
Calvert	Moore
Canon	Morris
Collins	Morrison
Colquitt	Morse
Cowley	Newton
Dunagan	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
Dwyer	Patterson
England	Payne
Fain	Petsch
Fuchs	Pope
Good	Reader
Greathouse	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Roach of Angelina
Harris of Dallas	Roane
Head	Roberts
Herzik	Russell
Hill	Rutta
Hodges	Scarborough
Holland	Smith
Hoskins	Stanfield
Hunter	Steward
Hyder	Stinson
James	Stovall
Jones of Falls	Thornton
Jones of Runnels	Worley
Jones of Shelby	Young
Jones of Wise	Youngblood
King	

## Nays—37

Aikin	Frazer
Bergman	Gibson
Bourne	Glass
Bradbury	Graves
Cagle	Hardin
Craddock	Harris of Archer
Daniel	Hofheinz
Davison of Fisher	Howard
Farmer	Huddleston
Fisher	Hunt
Fitzwater	Keefe
Fox	Lanning

Latham	Shofner
Lotief	Tennyson
Lucas	Venable
Mauritz	Walker
McCalla	Westfall
Quinn	Wood of Harrison
Roark	

Present—Not Voting

Crossley

Absent

Adkins	Jackson
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Caldwell	Lange
Celaya	Leath
Clayton	Lemens
Colson	Palmer
Cooper	Rogers
Davis	Settle
Davisson	Spears
of Eastland	Tarwater
Duvall	Tillery
Ford	Waggoner
Gray	Wells
Hartzog	Wood of Montague

Absent—Excused

Alsup	McFarland
Beck	Riddle
Dickison	Roach of Hunt
Luker	

The Speaker announced that the motion to suspend the Rule prevailed.

Mr. McConnell raised a point of order on further consideration of the motion to instruct the conferees at this time, on the ground that the conference committee has already been appointed and that the motion comes to late.

The Speaker overruled the point of order.

Mr. Keefe withdrew the motion, offered by himself on yesterday, to reconsider the vote by which the motion by Mr. Lotief was adopted.

Mr. Reed of Dallas moved to reconsider the vote by which the motion by Mr. Lotief, instructing the conferees on House Bill No. 11, was adopted.

Mr. Calvert moved the previous question on the motion to reconsider and the main question was ordered.

Question then recurring on the motion to reconsider the vote, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—68

Adamson	Jones of Falls
Alexander	Jones of Runnels
Ash	King
Atchison	Leonard
Bradford	Lotief
Broyles	McConnell
Burton	McKee
Butler of Brazos	Moffett
Calvert	Morris
Clayton	Morrison
Collins	Morse
Colquitt	Newton
Cowley	Nicholson
Craddock	Olsen
Davis	Padgett
Dunagan	Patterson
Dunlap of Hays	Payne
Dunlap of Kleberg	Petsch
Dwyer	Pope
England	Reader
Fuchs	Reed of Dallas
Good	Roane
Greathouse	Roberts
Hankamer	Russell
Hanna	Rutta
Harris of Dallas	Scarborough
Head	Smith
Herzik	Steward
Hill	Stinson
Holland	Stovall
Hoskins	Thornton
Hunter	Worley
Hyder	Young
James	Youngblood

Nays—45

Aikin	Hunt
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Cagle	Knetsch
Canon	Lanning
Daniel	Latham
Davison of Fisher	Lindsey
Fain	Lucas
Farmer	Mauritz
Fisher	McCalla
Fitzwater	McKinney
Fox	Quinn
Frazer	Reed of Bowie
Gibson	Roach of Angelina
Glass	Roark
Graves	Shofner
Hardin	Tennyson
Harris of Archer	Venable
Hodges	Walker
Hofheinz	Westfall
Howard	Wood of Harrison
Huddleston	

Absent

Adkins	Celaya
Butler of Karnes	Colson
Caldwell	Cooper

Crossley	Lemens
Davisson	Moore
of Eastland	Palmer
Duvall	Rogers
Ford	Settle
Gray	Spears
Hartzog	Stanfield
Jackson	Tarwater
Jefferson	Tillery
Jones of Atascosa	Waggoner
Lange	Wells
Leath	Wood of Montague

## Absent—Excused

Alsup	McFarland
Beck	Riddle
Dickison	Roach of Hunt
Luker	

Question then recurring on the motion by Mr. Lotief, that the conferees on House Bill No. 11 be instructed to retain the provision in regard to fifteen per cent (15%) gross receipts, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—54

Aikin	Jones of Wise
Bergman	Keefe
Bourne	Knetsch
Bradbury	Lanning
Broyles	Latham
Cagle	Lindsey
Canon	Lotief
Craddock	Lucas
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davisson	McKee
of Eastland	Nicholson
Fain	Olsen
Fisher	Petsch
Fitzwater	Quinn
Fox	Reed of Bowie
Frazer	Roach of Angelina
Gibson	Roark
Glass	Russell
Graves	Shofner
Greathouse	Stanfield
Hardin	Tennyson
Harris of Archer	Walker
Hofheinz	Westfall
Huddleston	Wood of Harrison
Hunt	Youngblood
Jones of Shelby	

## Nays—60

Adamson	Calvert
Alexander	Clayton
Ash	Colquitt
Atchison	Cowley
Bradford	Crossley
Burton	Dunagan
Butler of Brazos	Dunlap of Hays

Dwyer	Moffett
England	Morris
Farmer	Morrison
Fuchs	Morse
Good	Newton
Gray	Padgett
Hankamer	Patterson
Hanna	Payne
Harris of Dallas	Pope
Head	Reader
Herzik	Reed of Dallas
Hill	Roane
Hodges	Roberts
Holland	Rutta
Hoskins	Scarborough
Howard	Smith
Hunter	Steward
Hyder	Stinson
James	Stovall
Jones of Falls	Thornton
King	Wood of Montague
Leonard	Worley
McKinney	Young

## Absent

Adkins	Jones of Runnels
Butler of Karnes	Lange
Caldwell	Leath
Celaya	Lemens
Collins	Moore
Colson	Palmer
Cooper	Rogers
Dunlap of Kleberg	Settle
Duvall	Spears
Ford	Tarwater
Hartzog	Tillery
Jackson	Venable
Jefferson	Waggoner
Jones of Atascosa	Wells

## Absent—Excused

Alsup	McFarland
Beck	Riddle
Dickison	Roach of Hunt
Luker	

## BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 329, "An Act amending Article 4518, Chapter 7, Title 71, of the Revised Civil States of Texas of 1925; repealing all laws in conflict therewith; prescribing the qualifications of applicants for registration as registered nurses under this law; prescribing the length of time applicants must have attended an accredited school of nursing and graduating therefrom; and defining an accredited school of nursing, as



one connected with a general hospital having not less than twenty-five (25) beds with a daily average of not less than fifteen (15) patients annually, etc., and declaring an emergency."

H. B. No. 818, "An Act declaring it unlawful for any person to kill wild fox or to take or have in his possession for barter or sale the pelts of wild fox after the passage of this Act, for a period of five years in the County of Kaufman, State of Texas; providing a penalty for violation of this Act, and declaring an emergency."

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Joint Resolution No. 24 by the following vote: Yeas, 26; nays, 1.

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 424. The following have been appointed on the part of the Senate: Senators Redditt, Moore, Hopkins, Pace, and Small.

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Concurrent Resolution No. 50. The following have been appointed on the part of the Senate: Senators Redditt, DeBerry, Martin, Collie, and Sulak.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 494

Mr. Tillery submitted the following conference committee report on House Bill No. 494:

Committee Room,  
Austin, Texas, April 5, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two houses on

House Bill No. 494, making appropriations for the support and maintenance of summer schools at the State institutions of higher learning, do recommend that the bill be passed in form, text, and substance as submitted herewith.

"H. B. No. 494,

#### A BILL

#### To Be Entitled

An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1935, at the several State institutions of higher learning in the State of Texas, authorizing the expenditure by said institutions of certain additional amounts from fees collected from summer school students, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. The several sums of money named herein, or so much thereof as may be necessary, are hereby appropriated for the support and maintenance of summer schools at each of the institutions indicated during the summer of the year 1935, as follows:

University of Texas	.....\$ 49,066.50
Texas Agricultural and Mechanical College	.... 11,980.50
John Tarleton Agricultural College	..... 7,364.00
North Texas Agricultural College, Junior	..... 3,010.00
Prairie View State Normal and Industrial College	.. 5,000.00
College of Industrial Arts	11,245.50
Texas College of Arts and Industries	..... 9,555.00
Texas Technological College	..... 20,685.00
East Texas State Teachers College	..... 26,355.00
North Texas State Teachers College	..... 34,366.50
Sam Houston State Teachers College	..... 17,651.90
Southwest Texas State Teachers College	..... 23,877.00
Stephen F. Austin State Teachers College	..... 15,177.75
Sul Ross State Teachers College	..... 10,290.00
West Texas State Teachers College	..... 14,798.00
College of Mines and Metallurgy	..... 6,538.00
Total	.....\$266,960.65

Sec. 2. Each of the institutions named in Section 1, of this Act, is hereby authorized to expend for the support and maintenance of summer schools at said institutions, in addition to the amounts appropriated herein, an additional amount from fees equal to ten dollars (\$10) per student per six (6) weeks term, or the equivalent of six (6) weeks term, plus all laboratory fees collected from said students.

Sec. 3. Each of the institutions named in Section 1, of this Act, is hereby authorized to charge and collect for summer school matriculation or tuition fees the sum of ten dollars (\$10) per six (6) weeks term, or equivalent of six (6) weeks term, and said amounts so charged and collected are hereby appropriated for the support and maintenance of said summer school.

Sec. 4. The admission, matriculation, or tuition fees for the summer school sessions for each of the aforesaid institutions is hereby fixed at the sum of ten dollars (\$10) per student per six (6) weeks term, or the equivalent of a six (6) weeks term.

Sec. 5. The fact that no provision has been made previously for summer schools at the institutions named in this Act creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

REDDITT,  
HORNSBY,  
NEAL,  
SANDERFORD,  
SULAK,

On the part of the Senate;

TILLERY,  
BRADBURY,  
DUNLAP of Hays,  
GLASS,  
TARWATER,

On the part of the House.

On motion of Mr. Tillery, further consideration of the report was postponed until next Monday.

INSTRUCTING THE ENROLLING  
CLERK TO MAKE CERTAIN  
CORRECTION IN HOUSE  
BILL NO. 251

Mr. Tennyson offered the following resolution:

H. C. R. No. 71, Relative to House Bill No. 251.

Whereas, House Bill No. 251 has passed the House and Senate; and

Whereas, It has been found that the following paragraph:

"All such delinquent taxes shall also draw interest at the rate of six per cent (6%) per annum from the date such taxes become delinquent." was inadvertently omitted between lines 12 and 13, page 3, Section 1, of said bill; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to make the correction in House Bill No. 251 above indicated and change the caption to conform.

The resolution was read second time, and was adopted.

#### CONFERENCE COMMITTEE ON HOUSE BILL NO. 11

The Speaker announced the appointment of the following conference committee on House Bill No. 11: Messrs. Stinson, Morse, Dwyer, Hoskins, and Hartzog.

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 71, That the Enrolling Clerk of the House be instructed to make a correction in House Bill No. 251, and change the caption to conform.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### RELATIVE TO LOCAL AND UN- CONTESTED BILLS

On motion of Mr. Alexander, by unanimous consent, the House agreed to consider local and uncontested bills at this time.

#### HOUSE BILL NO. 699 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 699, A bill to be entitled "An Act to amend Article 928 of Chapter 1 of Title 12 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

#### MOTION TO TAKE UP HOUSE BILL NO. 699

Mr. King moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 699 be placed on its third reading and final passage.

The roll of the House was called on the above motion, and developed the fact that there was not a quorum present.

Mr. Latham moved a call of the House for the purpose of securing and maintaining a quorum until 5 o'clock p. m., today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Hofheinz, the Sergeant-at-Arms was instructed to bring in all absent members in the city who are not ill.

#### ADJOURNMENT

On motion of Mr. Harris of Archer, the House, at 3:50 o'clock p. m., adjourned until 9 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Appropriations: House Bills Nos. 888 and 924.

Constitutional Amendments: Senate Joint Resolution No. 14.

Criminal Jurisprudence: Senate Bills Nos. 52 and 126, and House Bills Nos. 907 and 937.

Highways and Motor Traffic: Senate Bill No. 143, and House Bills Nos. 737, 874, and 900.

School Districts: House Bill No. 899.

The Committee on Constitutional Amendments filed adverse reports, as follows: Senate Joint Resolutions Nos. 12, 13, and House Joint Resolution No. 41.

The Committee on Highways and Motor Traffic filed an adverse report on House Bill No. 727.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 455, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts First Called Session, Forty-second Legislature, amending Section 11, Chapter 162, Acts Regular Session, Forty-third Legislature; and amending Chapter 43, House Bill No. 43, Acts of the Second Called Session of the Forty-third Legislature, 1934; appropriating the proceeds of the tax derived under the provisions hereof; authorizing the Railroad Commission to employ such help and to incur such other expenses as are necessary to enforce the conservation laws of this State relating to oil and gas and the orders of the Railroad Commission promulgated pursuant thereto, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 390, A bill to be entitled "An Act providing that the Board of Pardons and Paroles, created by Chapter 45, Acts of First Called Session, Forty-first Legislature, shall hereafter sit and have their offices at Huntsville, Walker County, Texas, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 39, Proposing an amendment to Section 15 of Article I of the Constitution of Texas, and providing that the Legislature may authorize the commitment of insane persons, idiots, lunatics and or epileptics without the necessity of a trial jury,

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 888, A bill to be entitled "An Act providing for the relief of Eagle Pass Independent School District of Maverick County, Texas, in order to aid the school district in accommodating the large growth of population due to the development of Quemado Valley Irrigation Settlement which covers a portion of the Eagle Pass Independent School District of 1934; making appropriation out of the State Treasury of seven thousand dollars (\$7,000) to said district for said purposes, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 385, "An Act prohibiting the hunting, trapping, ensnaring, or killing of any wild deer, buck, doe, fawn, or wild turkey within the

limits of the Counties of Bastrop, Hemphill, Hutchinson, and Montgomery, State of Texas, for a period of five (5) years from and after the passage of this Act, and providing a penalty therefor,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 31, Granting D. R. Pinney, of Hudspeth County, permission to bring suit against the State Highway Commission.

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 818, "An Act declaring it unlawful for any person to kill wild fox or to take or have in his possession for barter or sale the pelts of wild fox after the passage of this Act, for a period of five (5) years in the County of Kaufman, State of Texas; providing a penalty for violation of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 5, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 329, "An Act amending Article 4518, of Chapter 7, Title 71, of the Revised Civil Statutes of Texas of 1925; repealing all laws in conflict therewith; prescribing qualifications of nurses training schools; making provision for a minimum number of beds and daily average of patients required of a general hos-

pital to which schools of nursing may be attached; defining general hospital as used herein; providing for certificates for graduates from nursing schools after completion of certain work; providing for examination by the State Board of Nurse Examiners

after such graduation and payment of fees; providing a saving clause, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

## In Memory of

# Mr. Arthur Caddel

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Mr. Aikin offered the following resolution:

Whereas, On last Thursday afternoon, March 28, 1935, there passed from our midst Mr. Arthur Caddel of Paris, Texas; and

Whereas, Mr. Caddel was an honored and valuable citizen of this community throughout his long career, and his death is a distinct loss to his community and to his State; and

Whereas, Our deepest and most heartfelt sympathy goes out to his wife, family, and friends; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That in the death of Mr. Arthur Caddel this State has lost one of its most distinguished and useful citizens, and that the members of the House of Representatives regret exceedingly the untimely passing of this highly esteemed man and deeply sympathize with his bereaved family; and be it further

Resolved, That a copy of this resolution be spread upon the House Journal today in memory of the deceased; and be it further

Resolved, That when the House adjourns today it do so out of honor and respect and in memory of Mr. Arthur Caddel; and be it further

Resolved, That the Chief Clerk of the House be instructed to send the family of the deceased a copy of this resolution.

AIKIN,  
CANON,  
BOURNE.

Signed—Stevenson, Speaker; Adamson, Adkins, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davison of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Smith, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.